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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bender, Theodore M.; et. al.
 Assignee: Cardica, Inc.
 Title: Tool for Creating an Opening in Tissue
 Serial No.: 10/659,057 Filing Date: September 9, 2003
 Examiner: Michael G. Mendoza Group Art Unit: 3734
 Docket No.: 143

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OFFICE OF PETITIONS

CORRECTION OF ERROR IN SMALL ENTITY STATUS UNDER 37 CFR 1.28(c)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Upon review of this application prior to payment of the issue fee, it was discovered that the status as a small entity in this application was established in error. Small entity status is no longer claimed in this application. Under 37 CFR 1.28(c)(1), this submission is limited to the deficiency payment in U.S. Patent Application Serial No. 10/659,057. Under 37 CFR 1.28(c)(2), itemization and calculation of the deficiency payment is set forth below:


Fee type	Small entity fee actually paid	Deficiency owed amount
Filing, search, examination fee	375.00	655.00
Total claims in excess of 20 under 37 CFR 1.16(i)	198.00	902.00
Late declaration surcharge	65.00	65.00
Issue fee and publication fee	1020.00	720.00
Total deficiency amount owed:		\$2342.00

Please charge our Deposit Account No. 502108 the amount of \$2342.00, and charge any additional fees required and credit any overpayment to that Deposit Account No. 502108.


Please contact the undersigned if there are any questions.

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S Patent and Trademark Office (Fax No. (571) 273-8300) on November 28, 2007.


 Brian A. Schar, Esq.

Respectfully submitted,



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